

**NATIONAL AVENUE / SHEA AVENUE  
LANDSCAPE MAINTENANCE AGREEMENT**

This agreement, by and between the Layton Boulevard West Neighbors Inc., hereinafter known as the "Association" and the City of Milwaukee, a municipal corporation hereinafter known as the "City".

**Witnesseth:**

Whereas, The Association has expressed interest in beautifying the grass area, hereinafter known as the "Parcel", lying within City right-of-way at the northeast corner of W. National and S. Shea Avenues; and

Whereas, The beautification project would involve creating three raised planting beds with a total combined area of approximately 15 square yards; and

Whereas, The Association will be responsible for creating the planting beds and for installing and maintaining plant materials in them; and

Whereas, The City's Department of Public Works' Forestry Division will work with the Association to develop an acceptable landscaping plan; and

Whereas, The Forestry Division will continue to maintain the remainder of the Parcel outside the limits of the new planting beds; and

Whereas, The terms and conditions of this arrangement have been codified in a Maintenance Agreement between the City and the Association as outlined more fully hereinafter;

Now, therefore, in consideration of these premises and the mutual benefits herein accruing and for other good and valuable considerations;

It is acknowledged and agreed by and between the parties hereto that

1. The City shall retain ownership of the Parcel and shall continue to accept all maintenance responsibility and potential liability therefore except as specifically noted herein.
2. The City and the Association shall mutually agree upon a landscape plan for the Parcel. The Department of Public Works' Forestry Division shall collaborate with the Association in preparing the plan.
3. The Association shall be solely responsible for developing any planting beds shown on the approved plan. This shall include preparing the planting bed and installing all plant material.

4. After initial planting, the Association shall be responsible for all maintenance of the planting beds. Maintenance shall include, but need not be limited to, mulching, fertilizing, pruning, annual plantings, weeding, replacement of dead plant material, and keeping the planting beds free of trash and litter.
5. The City shall maintain the remainder of the Parcel consistent with its normal standards for similar property.
6. Should the Association not maintain the planting beds to a standard generally consistent with the standard the City employs for planting beds in its street medians, the City shall notify the Association in writing of the maintenance deficiencies. If the Association does not rectify the maintenance deficiencies within the time allotted in the written notification (which shall be not less than 30 days), the City may resume full maintenance of the Parcel and may make any changes to the landscaping of the Parcel it chooses to minimize the level of maintenance required.
7. Notwithstanding the notification provisions of point number 6 above, the City may make immediate repairs or alterations to the Parcel's landscaping if the Commissioner of Public Works determines that conditions present a threat to public safety.
8. The Association shall hold the City harmless and shall indemnify the City against all claims that may arise as a result of the Association's landscaping activities on the Parcel.
9. This agreement shall have a term of three (3) years from the date of execution. Upon the mutual written agreement of the Association and the Commissioner of Public Works, the agreement may be extended for additional three (3) year increments. In addition, either party may terminate the agreement at any time upon 30 days written notice to the other party. The City, however, shall not terminate the agreement during the first three-year term.

FOR THE LAYTON BOULEVARD WEST NEIGHBORS INC.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Title \_\_\_\_\_

FOR THE CITY OF MILWAUKEE

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Title \_\_\_\_\_